

REMARKS

Claims 1, 2, 4, 7-19 and 23-25 are pending in this application. Claims 1, 14 and 17 are amended. Reconsideration and allowance of the pending claims are requested in view of the claim amendments and following remarks.

CLAIM REJECTIONS – 35 USC §103

Claims 1, 2, 4, 13-19 and 23-25 are rejected under 35 USC 103(a) as being unpatentable over Wright et al. (US 5,990,734) in view of Gu (US 2003/0072393). Applicants traverse this rejection.

First, Applicants would like to draw the Examiner's attention to the fact that independent claims 1, 14 and 17 have been similarly amended. For example, the independent claims are amended to recite that filter taps are constructed for each of the outputs of the first and second set of filter units, and that a predistortion of the first frequency signal is required.

Without acquiescing to any allegations made by the Examiner, Applicants submit that Wright et al. relates to a LINC amplifier. Column 6, line 66. It is well known that a LINC amplifier provides a linear amplification of two or more amplitude signals, therefore, the LINC amplifier does not require a predistortion of signals. Column 3, lines 14-16.

Applicants understand that the Examiner may find prior art that teaches predistorting signals prior to amplification. In addition, Applicants are not submitting that predistorting signals prior to amplification, in of itself, is independently patentable. It is the combination of features recited in the independent claims that is patentable.

Applicants submit that Wright et al., because it relates to a LINC amplifier cannot be combined with another prior art that may teach predistorting signals prior to amplification. For example, MPEP 2143.01V provides

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. *In re Gordon*, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984).

In addition, MPEP 2145(X)(D)(2) provides

It is improper to combine references where the references teach away from their combination. *In re Grasselli*, 713 F.2d 731, 743, 218 USPQ 769, 779 (Fed. Cir. 1983).

Accordingly, even assuming that Wright et al. teaches what the Examiner alleges it teaches, combining the teachings of Wright et al. with a prior art that may teach predistorting signals prior to amplification would render the intended purpose of Wright et al. unsatisfactory, i.e., using a LNIC amplifier. In addition, or in the alternative, because Wright et al. teaches a LNIC amplifier, Wright et al. teaches away from combining it with a prior art that may teach predistorting signals prior to amplification.

For at least the reasons given above, Applicants submit that the Examiner has failed to make a *prima facie* case of obviousness. Gu fails to cure the deficiency of Wright et al. with respect to independent claims 1, 14 and 17. Accordingly, independent claims 1, 14 and 19 are patentable over the Examiner's cited references. Dependent claims 2, 4, 13, 15-16, 18, 19 and 23-25 are also patentable for respectively depending on an allowable base claim.

Claims 8-10 are rejected under 35 USC 103(a) as being unpatentable over Wright et al. in view of Gu in further view of Zhang (US 6,687,311). Applicants traverse this rejection.

As remarked above, independent claim 1 is patentable over the Examiner's cited reference. Zhang fails to cure the deficiency of Wright et al. and Gu with respect to claim 1. Accordingly, dependent claims 8-10 are also patentable for depending on an allowable base claim.

Claims 7 is rejected under 35 USC 103(a) as being unpatentable over Wright et al. in view of Gu in further view of Zhang in further view of Birru (US 2002/0037058). Applicants traverse this rejection.

As remarked above, independent claim 1 is patentable over the Examiner's cited reference. Birru fails to cure the deficiency of Wright et al., Gu and Zhang with respect to claim 1. Accordingly, dependent claims 8-10 are also patentable for depending on an allowable base claim.

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CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicants hereby petition for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required \$120.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.


If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By

for


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